

October 16, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

08TS0105

Old Gun Road Properties and Tony and Kathryn Lucas  
(The Preserve At Old Gun)

Midlothian Magisterial District  
West line of Old Gun Road

REQUEST: Tentative Subdivision plat approval of twenty (20) single-family lots in addition to relief from street connectivity requirements.

RECOMMENDATION

Staff recommends denial of this request for the following reasons:

1. The application does not meet the requirements of connectivity through the provisions of stub roads to adjacent properties.
2. The lack of public road connections fails to address health, safety and welfare concerns of the Fire Department.

If the Planning Commission should elect to approve this case, staff recommends they approve it with the Conditions and Review Notes as provided in this report. A separate motion is required to approve the waiver to street connectivity requirements.

CONDITIONS

1. With the construction plan approval process and prior to recordation, all areas of former mining activity **including that which straddles the property line with Tarrington Holdings**, shall be eliminated in a suitable fashion as documented by a licensed, professional expert. At a minimum, reclamation of former mining activity shall be consistent with DMME reclamation guidelines as confirmed by written documentation by DMME. In addition to the documentation of the

location and reclamation of former mining activities, the geo-technical expert shall designate those lots which in his opinion should have borings taken in order to assure that a home is not built over shafts or any other previous mining activity. (EE)

2. The geo-technical experts report should include the following: (EE)
  - a. The location and analysis to include but not be limited to type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of all found mining pits or tailing heaps on the project.
  - b. A statement shall be included that the only previous mining activity found on the site are those shown on the tentative or subdivision plat. This conclusion shall be technology based in addition to visual as directed by the Environmental Engineering Department
  - c. The report shall clearly establish fill-in/reclamation procedures, setbacks between the perimeter of any shaft reclaimed or otherwise and any other safety measures intended to protect the health, safety and welfare of people as well as the integrity of structures in which people will be living.
  - d. The report shall indicate that all former mining activity shall be filled in/reclaimed under the direction of the geo-technical consultant.
  - e. All reclamation shall be observed by a qualified geo-technical expert acceptable to the Environmental Engineering Department and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the plat recordation, a copy of the certification shall be submitted to the Environmental Engineering Department.
  - f. The accepted report shall address the impact of any horizontal shafts as to any effect on construction and any future health, safety and welfare issues.
  - g. On those lots where the geo-technical consultant believes soil borings are required. Geo-technical soil borings shall be performed for the purposes of establishing an acceptable building envelope in sufficient number and array and to a sufficient depth to confirm that only undisturbed natural soil profiles are within the footprint of the proposed building and that the building site is not impacted by any horizontal shafts.
  - h. Allowable building envelopes whose size and location is established based on the recommendations and boring logs of a qualified geo-technical expert acceptable to the Environmental Engineering Department shall be placed on the construction plan and subdivision plat for those lots where

no such information is provided, the report from the geo-technical expert shall confirm that such information is not necessary for those lots.

3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
4. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
5. Approval of the road and drainage plans by Plantation Pipeline in relation to its easement and facilities therein is a prerequisite to construction plan approval by the Environmental Engineering Department. A quit claim to VDOT or a satisfactory commitment thereof by Plantation Pipeline for the location where Salles Crossing Place right-of-way will cross the Plantation Pipeline easement shall be a prerequisite to subdivision plat recordation. (EE)
6. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
7. Prior to the issuance of the land disturbance permit by the Chesterfield County Environmental Engineering Department, a land disturbance permit or its equivalent must have been issued by DMME with respect to the areas under its jurisdiction. (EE)
8. All reclamation sites shall be shown on the construction plans and subdivision plats. (EE)
9. Prior to the release of building permits in the subdivision, a certification from a licensed geotechnical engineer shall be submitted to the Environmental Engineering and Building Inspection Departments indicating that all necessary reclamation, boring, and/or other actions have been satisfactorily completed and that the lot is suitable for building construction. (EE)
10. The culverts under Capwell Place and in lot 16 shall be designed to pass the 100 year storm without topping the road or driveway. (EE)
11. Thirty five feet of right of way, measured from the centerline of Old Gun Road shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, in conjunction with recordation of the first section of this tentative. (T)

12. The ditch line on Old Gun Road shall be relocated to provide an adequate shoulder in conjunction with road construction of the first section of this tentative. (T)
13. There shall be no road connection between Capwell Drive and Grayscott Lane in the Tarrington Subdivision and no driveway connection from any lots in the Tarrington Subdivision to Capwell Drive. (T)

REVIEW NOTES:

- A. It will be the responsibility of the sub divider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the demands generated by the proposed project do not adversely affect any portion of the pressure zone the project is located within and that the addition of this project will not cause any area within the pressure zone to fail to comply with the Chesterfield County Fire Department's required fire flow of 1000 gpm at 20 psi residual. (U)
- B. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- C. Compliance with 17-76 of the Subdivision Ordinance in the Chesterfield County Code shall be maintained at all times. (F)
- D. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- E. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- F. Standard conditions. (P)
- G. A homeowner's association is required in accordance with Section 19-559. (P)
- H. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)

- I. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
  - J. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
  - K. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
  - L. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
  - M. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
    - a. The applicant shall retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
    - b. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.
- Either option a or b may be used for each category of road at the preference of the developer. (VDOT)
- N. All USACOE jurisdictional wetlands within proposed right-of-way to be state maintained shall be considered impacted. (VDOT)
  - O. The disposition of any/all mine shafts within proposed right-of-way to be state maintained shall be addressed in accordance with all local, state and federal regulations. Documented evidence that compliance with these regulations has been achieved must be provided to VDOT prior to acceptance of this street into the Secondary System of State Highways. (VDOT)

- P. Specific street design issues shall be addressed at the time of detailed geometric and hydraulic review of construction plans for this project. It should be noted that minimum intersection sight distance requirements are addressed in the current edition of the *VDOT Minimum Standards of Entrances to State Highways*. (VDOT)
- Q. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- R. Only one (1) curb and gutter design may be used along the length of a street, as per 24VAC 30-91-110. (VDOT)
- S. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)
- T. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

#### GENERAL INFORMATION

Applicant/Owner:

Old Gun Road Properties LLC and Tony and Kathryn Lucas

Location:

Fronting approximately 625 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax IDs 735-721-2025, 736-721-6540 and 736-722 Part of 5574 (Sheet 2).

Existing Zoning and Land Use:

R-40 – Single family residential; Residence

Size:

34.47 acres

Adjacent Zoning and Land Use:

North - R-25 and R-40; Single family residential  
South - R-40; Single family residential  
East - R-40; Single family residential  
West - R-25; Single family residential

BACKGROUND

In accordance with the Chesterfield County Subdivision Ordinance Section 17-32 (b)(1) the applicant elected to have this case referred to the Planning Commission for review and approval. Section 17-32 (b)(1) states:

Unless otherwise required, completed applications and plats submitted by subdividers to the director of planning, shall be reviewed and approved under the administrative review and approval procedure set forth in subsection (a) of this section unless the subdivider elects to submit the completed application and plat for review and approval under the planning commission review and approval procedure set forth in subsection (b) of this section.

On July 18, 2006, the Planning Commission reviewed and approved Case 05TS0196 (The Battery at Old Gun) which was a tentative with nineteen (19) lots containing three (3) parcels of land (Attachment 1). The Planning Commission approval included conditions for the provision of two (2) stub roads within the development to adjacent parcels of land to the south. Additionally, the alignment of the residential road was to be located along the northern edge of the tentative property line to provide access to the Ruby Greer tract (GPIN 736-722-6328) (Attachment 1). These conditions allowed for orderly development and efficient interconnectivity to this development and adjacent tracts to the north and south, thereby reducing the future number average Daily Trips along Old Gun Road. Subsequent to this tentative approval, the County did not approve construction plans or record any plats within the limits of this case.

The current application also involves three (3) parcels of land totaling 34.7 acres (See Attached Map). Two (2) residential structures are located within the limits of this proposal and if approved, one (1) will be removed from this development, and the other will have access from the proposed Capwell Drive eliminating the need for multiple access points to Old Gun Road.

The applicant is seeking to subdivide three parcels, all zoned Residential (R-40) without cash proffers, into twenty (20) single family residential lots. These lots would range from a minimum lot size of 40,000 square feet to a maximum lot size of over 130,000 square feet. A public road (Capwell Drive) is proposed to serve all twenty (20) lots and no access from the existing structures to Old Gun Road will be permitted through the thirty (30) foot buffer along

have to be improved by the developer of The Preserve at Old Gun. It would be dedicated to the County at time of recordation, and the improvement of the stub road would pass to the future party requesting to use it.

This proposed subdivision is expected to generate approximately 192 average daily trips. These trips will be distributed along Old Gun Road, which had a 2005 traffic count of 1,735 vehicles per day.

### CONCLUSIONS

Staff believes that whenever possible, the provision of an overall street network and inter-connectivity between residential developments will facilitate travel through residential areas, provide alternatives for traffic movement, help reduce traffic on arterial streets, improve public safety response time and contribute to the reduction of the need for streets with four (4) lanes.

Staff acknowledges that the proposed development consisting of one (1) existing and nineteen (19) new homes on 34.47 acres complies with the County Code, with exception to the provision of internal access to adjacent parcels. The applicant has not provided any valid reasons for not wanting to comply with policy requirements. Additionally, it is evident that there is an ability to comply with the access provisions of the Subdivision Ordinance without relief from the Planning Commission and the proposed tentative plat should be denied.

Should the Planning Commission elect to approve this case, Staff recommends the Planning Commission grant approval with the Conditions and Review Notes included in this report. Please note a separate motion is required to grant relief to street connectivity.

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### CASE HISTORY

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Planning Commission Meeting (09/18/07):

At the applicant's request, the Commission deferred this case to October 16, 2007.

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Old Gun Road. The applicant has successfully worked with staff to address concerns relative to Ordinance requirements, storm water management, mine reclamation, utilities provisions and rights of way dedication. However, the applicant is not agreeable to providing stub roads from within the development to adjacent landlocked or severely environmentally restricted parcels.

The connectivity policy revised and adopted April 13, 2005 states:

The purpose of street interconnectivity shall be to (a) improve public safety response time to residents by providing multiple means of access; (b) reduce travel time and distance between neighborhoods by providing alternative travel paths; (c) maintain an acceptable quality of life in the residential neighborhoods by preventing excessive through traffic on local streets where individual lots have direct access onto the street; and (d) maintain the traffic carrying capacity of arterial and collector streets.

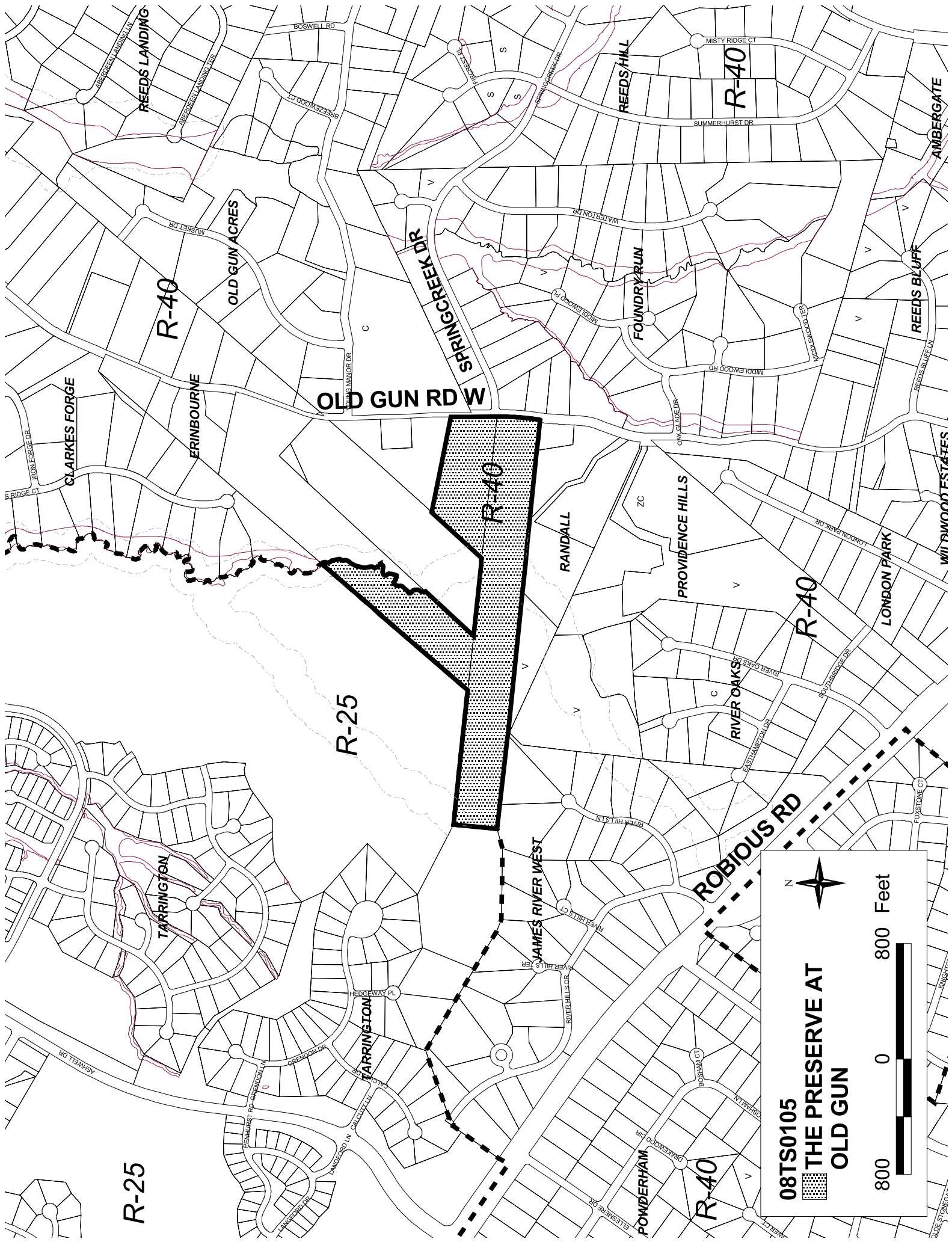
Additionally, Section 17-76(f) of the Subdivision Ordinance states:

To facilitate orderly development, the necessary rights-of-way and easements for stub streets to provide adequate access to adjacent property (not included in the tentative) shall be dedicated to the boundary lines of the tract to be subdivided, in locations that are compatible with future development of the adjacent tract. This requirement may be waived if, in the opinion of the directors of transportation and planning or the planning commission, such stub streets are not necessary or desirable for the coordination of the layout of the subdivision with the existing streets or the most advantageous future development of adjacent tracts.

Within this case staff requested the alignment of Capwell Drive to be located along the northern boundary adjacent to the Greer Tract (GPIN 736-722-6328) to the north of this case. This tract has a wetland feature that separates the property at it's southern edge leaving a little more than one (1) acre of upland developable space separated by 100 foot Resource Protection Area (RPA) on either side of the wetlands. Future access to this upland area could be provided with a simple drive way cut to Capwell Drive, thus eliminating the need to impact the wetlands on the Greer property with crossing the wetlands for access. The applicant has instead shifted Capwell Drive to the south, in so doing leaving a "spike" strip within this development along the entire length of the Greer property ranging from approximately five (5) feet wide to as much as twenty-five (25) feet wide. This strip would be left in open space, thereby giving control of that land to a Homeowners Association (HOA) which would be established by Ordinance. (Attachment 2)

Additionally, staff requested one (1) stub road be provided to the landlocked McHugh tract (GPIN 735-720-3696) adjacent to the south and the applicant has refused. Ordinance standards would not permit development of the tract without achieving a minimum fifty (50) foot of improved road frontage, or an applicant would have to receive approval of a Variance from the Board of Zoning Appeals to develop without improved access to this parcel. The provision of a stub road to this parcel would not only provide access, but additionally encourage connection to adjacent tracts should development progress to the south in the future. The stub road would not

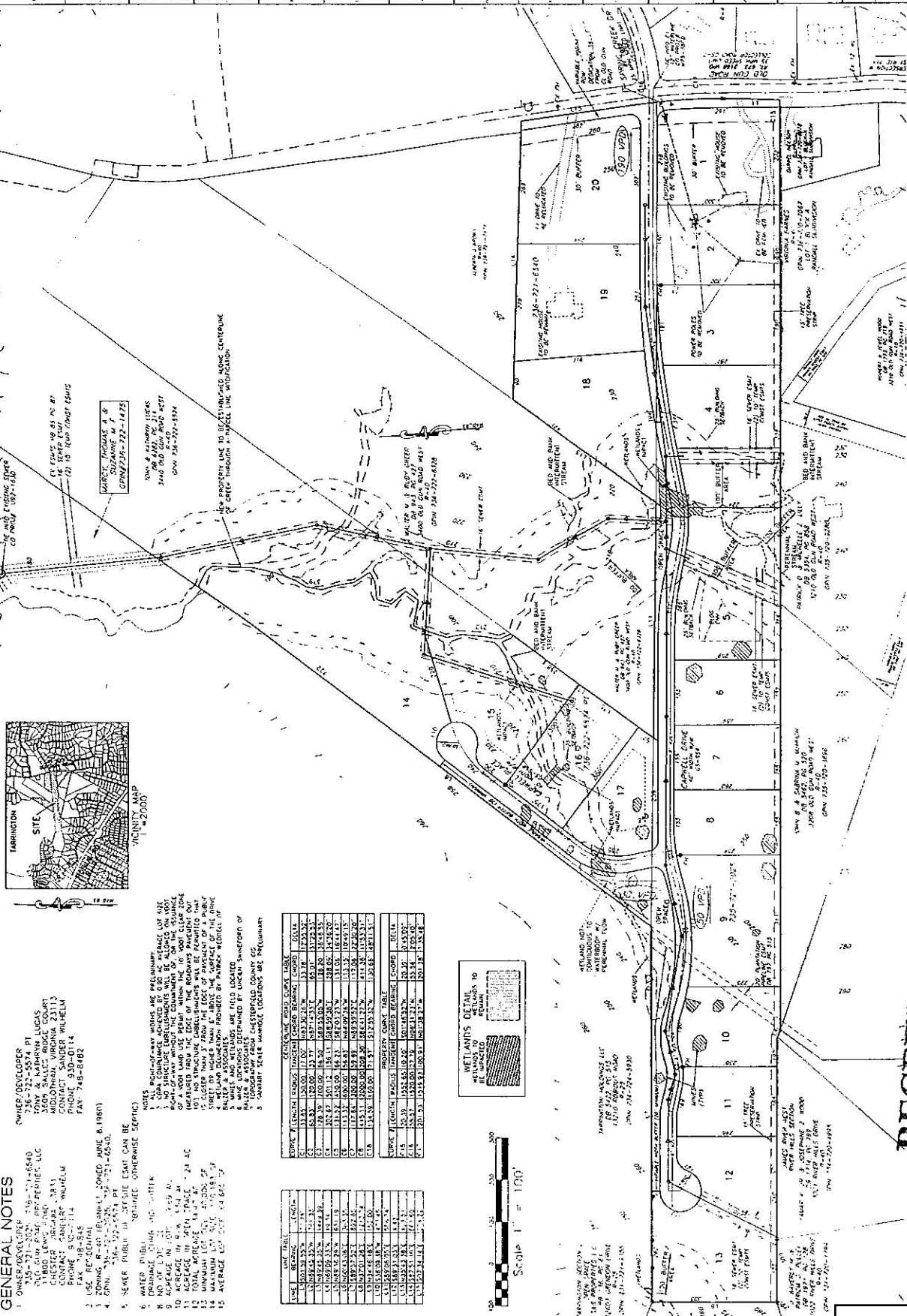
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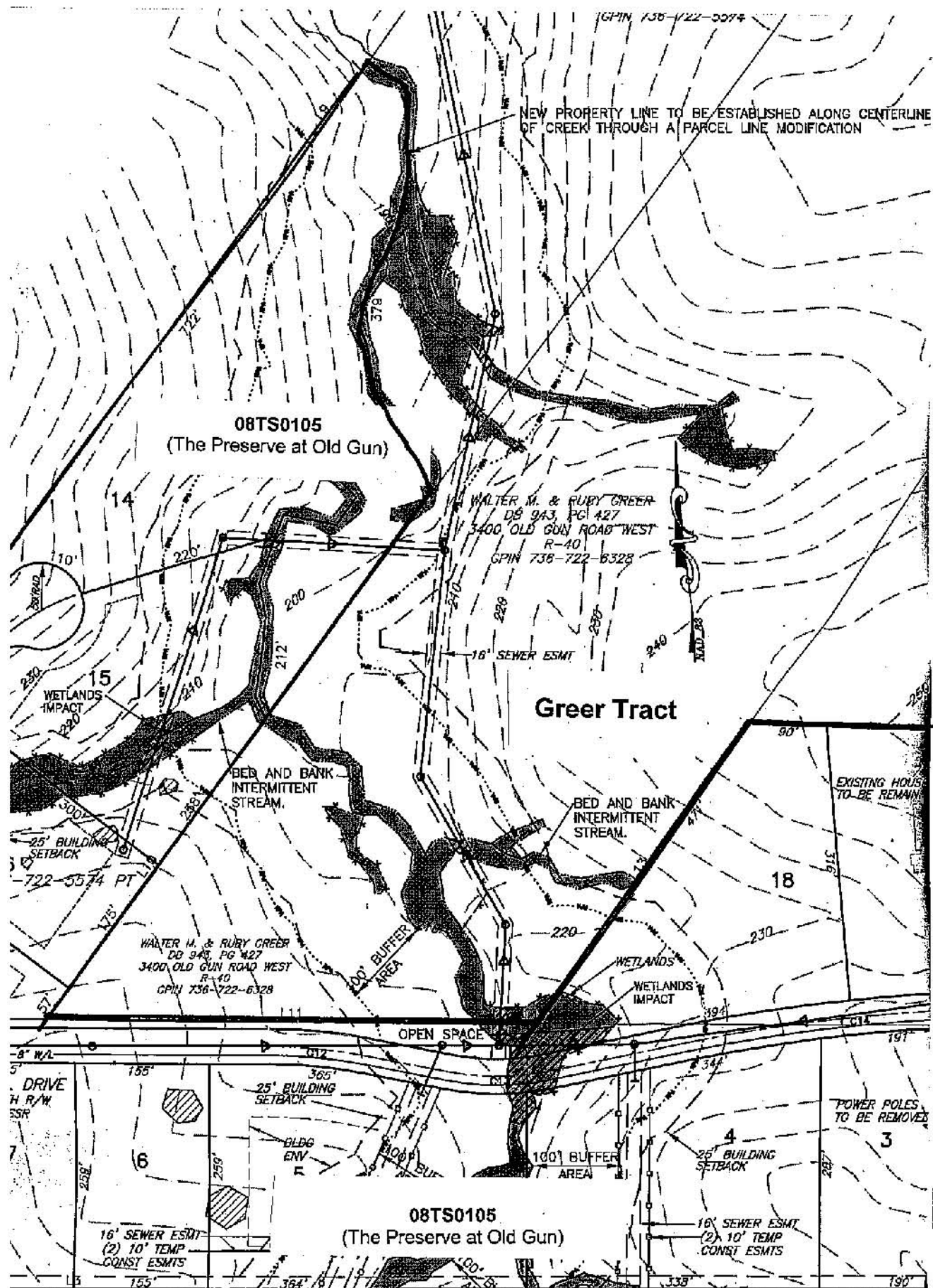
(Previously approved tentative with ROW alignment and approved stub roads)

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## ATTACHMENT 2

Enlarged area showing proposed open space strip adjacent to the Greer tract. The environmental feature also appears on the Greer tract



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